

Serial No.: 10/672,367

Attorney Docket No.: 03P8217US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-23 are pending. Claims 1, 11, and 18 have been amended to more particularly point out Applicants' invention.

Claims 1-3, 5, 9-16, and 18-22 were rejected under 35 U.S.C. §102(e) as being anticipated by DeVries, U.S. Patent No. 6,968,179 ("DeVries"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by DeVries.

As described in the Specification, aspects of the present invention relate to a telecommunications system including a positioning system and a presence and availability system. Positioning information may be transmitted from remote devices to one or more servers using, for example, wireless data networks. The system is able to use inputs from the positioning system and the presence system to determine an availability of a user on a plurality of devices, based on user-input presence and location associations. In certain embodiments, the availability may be defined based on location boundary parameters.

Thus, claim 1 has been amended to recite "said availability information defining parameters within location boundaries.," claim 11 has been amended to recite "said availability information defining parameters within location boundaries;" and claim 18 has been amended to recite "said positioning and presence correlation rules defining parameters within location boundaries."

In contrast, DeVries provides for facilitating "in-person social interaction with those that the user has established relationships." Thus, DeVries relates to relative presence of parties (i.e., where is A relative to B). However, DeVries does not appear to defining presence and availability rules with respect to location boundary parameters, as generally recited in the claims at issue. Such location boundary parameters can be independent of, for example, users' relative locations, thus potentially providing a more

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useful assessment of availability. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4, 17, and 23 have been rejected under 35 U.S.C. as being unpatentable over DeVries and "well known prior art." DeVries has been discussed above. Even assuming that the "well known prior art" may legitimately be considered so, it fails to teach, inter alia, that "said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries in view of Yugami, U.S. Patent Application No. 03/0027583 ("Yugami"). (Applicants note the Official Action indicates that claim 2 is so rejected, although the discussion relates to elements of claim 6). DeVries has been discussed above. Yugami is relied on for allegedly teaching using e-mail to transmit position information. Even assuming that were true, however, like DeVries, Yugami fails to teach, inter alia, that "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information, said availability information defining parameters within location boundaries." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 7 has been rejected under 35 U.S.C. 103 as being unpatentable over DeVries in view of Greene, U.S. Patent Application No. 02/0077080 ("Greene"). DeVries has been discussed above. Greene is relied on for allegedly teaching using IM to transmit position information. Even assuming that were true, however, like DeVries, Greene fails to teach, inter alia, that "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information, said availability information defining parameters within location boundaries." As such,

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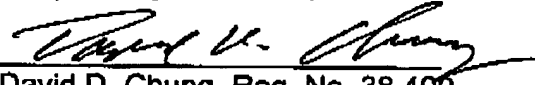
the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DeVries in view of Watanabe et al., U.S. Patent Application No. 04/-2-3894 ("Watanabe"). DeVries has been discussed above. Watanabe is relied on for allegedly teaching using SIP to transmit position information. Even assuming that were true, however, like DeVries, Watanabe fails to teach, inter alia, that "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information, said availability information defining parameters within location boundaries." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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